

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 94-712-C - ORDER NO. 95-1015  
MAY 5, 1995

IN RE: Application of American Communications Services, Inc. for a Certificate of Public Convenience and Necessity to Operate as a Provider of Private Line and Special Access Service.	) ORDER GRANTING ) EXTENSION OF ) DEADLINE FOR ) PRE-FILING ) TESTIMONY AND ) REQUESTING BRIEFS
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This matter comes before the Public Service Commission of South Carolina (the Commission) on the April 27, 1995 Motion of the South Carolina Telephone Association (SCTA) and the South Carolina Telephone Coalition (SCTC), requesting an extension of the deadline for pre-filing testimony in this proceeding from April 28, 1995 to May 5, 1995. SCTA and SCTC state that through their counsel, they participated in the hearing on, and supported Southern Bell's Motion to Compel Responses to Certain Interrogatories in this action, that at the oral arguments, counsel for Southern Bell stated that the information requested was relevant to the case and was necessary in order for Southern Bell to prepare its testimony. Counsel for Southern Bell then requested additional time to prepare testimony. Counsel for SCTA and SCTC stated that the information sought by Southern Bell was of interest to them as well, and fully supported Southern Bell's Motion at oral argument.

The Commission stated that, to the extent it granted the Motion to Compel, that counsel would have the opportunity to receive the information on the same terms as Southern Bell.

Southern Bell's deadline for pre-filing testimony was extended to May 5, 1995 from April 28, 1995. SCTA and SCTC noted that they have proceeded on the assumption that any extension of pre-filing deadlines to account for the delay in receiving the relevant information would apply equally to all other intervenors in this proceeding. SCTA and SCTC state that, in their opinion, there would be no prejudice to any party if they were also permitted an extension to pre-file testimony until May 5, 1995. In their opinion, the Applicant, American Communications Services, Inc. (ACSI) would still have one week in which to file rebuttal testimony and two weeks to prepare for the May 19, 1995 hearing after the filing of testimony by Southern Bell, SCTA, and SCTC. Accordingly, SCTA and SCTC request an extension of the deadline for pre-filing testimony in this proceeding from April 28, 1995 to May 5, 1995.

The Commission has examined this matter, and believes that SCTA and SCTC state good cause for an extension of their pre-filing deadline from April 28, 1995 to May 5, 1995, and do grant that extension. As usual, SCTA and SCTC must serve all parties with copies of their testimony pursuant to the Commission regulations.

On another subject, the Commission, in considering this entire matter, believes that it would be reasonable for the parties in this proceeding to provide the Commission with memoranda of law pertaining to the Commission's jurisdiction in the present case to grant the relief sought by ACSI. These briefs may be filed on an optional basis. The Commission believes that the present case is one of first impression and the Commission would like to be fully

informed on the jurisdictional legal issues in the case prior to the hearing. The Commission holds that the parties in the proceeding may file such a memorandum at their option at such time as may be designated by the Staff.

IT IS THEREFORE ORDERED THAT:

1. The pre-filing deadline for SCTA and SCTC is extended from April 28, 1995 to May 5, 1995.
2. The parties in this proceeding may provide memoranda of law pertaining to the Commission's jurisdiction in this matter at their option at such time as the Staff may designate.
3. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)